

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

ELIDA GAONA

Plaintiff,

V.

**DAVID GRAHAM and
CARDINAL LOGISTICS MANAGEMENT
CORP.**

Defendants.

§
§
§
§
§
§
§
§

CIVIL NO. _____

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Elida Gaona, Plaintiff, complaining of an against David Graham and Cardinal Logistics Management Corp., Defendants, and files this Plaintiff's Original Complaint, and for cause of action would respectfully show to the Court as follows:

1. Plaintiff is a natural person residing in Hidalgo County, Texas.
2. Defendant David Graham is a natural person and a resident of Colorado who can be served with process at: 8193 W. 93rd Way, Broomfield, CO 80021
3. Defendant Cardinal Logistics Management Corp. is a North Carolina corporation with principal place of business in North Carolina. Defendant can be served with process by serving its registered agent: CT Corporation System, 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136.
4. Venue is proper in the Southern District of Texas, McAllen Division, pursuant to 28 U.S.C. §1408, because Plaintiff is a resident of this judicial district, and a substantial part of the acts forming the basis of Plaintiff's claim occurred in the Southern District of Texas
5. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1332. There is complete diversity between Plaintiff and Defendants, and Plaintiff seeks judgment in excess of 75,000.00
6. On or about August 18, 2014, Plaintiff was stopped at a red light on 31st at the intersection with Highway 85 in Evans, Weld County, Colorado. Defendant Graham was in the course and scope of his employment with Defendant Cardinal Logistics Management Corp., and was operating a tractor-trailer. On said occasion, Defendant Graham failed to control speed and rear-ended Plaintiff. Plaintiff suffered injury and

damages as a result of the impact with Defendant. The majority of Plaintiff's treatment for his injuries was rendered in the Southern District of Texas.

7. Defendant Graham was negligent in that he failed to exercise ordinary care in each of the following particulars, which proximately caused Plaintiff's damages: a) failing to control speed; b) failing to maintain a proper lookout; c) failing to leave an assured clear distance; and d) failing to yield right of way.
8. Defendant Cardinal Logistics Management Corp. is liable for the negligence of Defendant Graham pursuant to the doctrine of *respondeat superior*.
9. Plaintiff suffered the following damages as a direct and proximate result of Defendant's negligence: a) past and probable future medical care expenses; b) past and probable future pain and mental anguish; and c) past lost wages.

WHEREFORE, Plaintiff prays that the Court cite Defendants to appear and answer herein, and that the Court render judgment in favor of Plaintiff and against Defendants, jointly and severally, for: compensatory damages; costs of court; pre- and post-judgment interest; and for all such other and further relief, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

GUERRA LAW GROUP, PLLC

4201 North McColl Rd.
McAllen, Texas 78504
(956) 618-3000 Phone
(956) 686-4200 Fax

By: _____/s/ David J. Lumber_____
David J. Lumber
Texas Bar No. 24002504
S.D. Tex. No. 22085

ATTORNEY FOR PLAINTIFF